

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01846-PAB-MJW

GENERAL STAR INDEMNITY COMPANY, a Connecticut corporation,

Plaintiff,

v.

OAKWOOD BUILDING AND DEVELOPMENT CO., a Colorado corporation, a/k/a
OAKWOOD BUILDING CORP & DEVELOPMENT a/k/a OAKWOOD CONSTRUCTION
COMPANY, et al.,

Defendants,

and

OAKWOOD BUILDING AND DEVELOPMENT COMPANY, et al.,

Third-Party Plaintiffs,

v.

MCGEE AGENCIES, INC., n/k/a WESTERN GROUP, et al.,

Third-Party Defendants.

MINUTE ORDER

Order Entered by Judge Philip A. Brimmer

This matter comes before the Court on third-party defendant ADCO General Corporation's ("ADCO") Unopposed Motion for Reconsideration Re: Court's Order Denying Unopposed Motion for Extension of Time to File its Reply [Docket No. 143]. ADCO asks the Court to reconsider its December 31, 2008 Minute Order denying ADCO's motion for an extension of time filed on December 29, 2008. ADCO contends that it calculated December 29, 2008 as the deadline to file its reply based on Federal Rule of Civil Procedure 6(d), which, in certain circumstances, adds three days to the relevant time period "[w]hen a party may or must act within a specified time after service" The Court interprets Rule 6(d) to allow additional time only when action is triggered by service, not by the date of filing, as is the case with a reply brief. Moreover, by ADCO's own calculation, its motion for an extension of time violated Section I.E.2 of the Practice Standards (Civil cases) of this Court, which requires such motions to be

filed three business days prior to the date the paper is due. Despite such circumstances, it is

ORDERED that ADCO's motion for reconsideration [Docket No. 143] is granted. ADCO shall file its reply in support of its motion to dismiss the third-party complaint on or before January 16, 2009.

Dated January 6, 2009.